

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-22 are pending. Claims 4, 7, and 13 were objected because of informalities. Claims 1, 4, 11, 14, 17, and 20 were rejected under 35 U.S.C. 112, second paragraph. Claims 7-10 were rejected under 35 U.S.C. 102/103. Claims 12-16 were objected to, but would be allowable if rewritten in independent forms.

In this response, no claim has been canceled. Claims 1, 4, 7, 10-14, 17, and 20 have been amended. No new matter has been added.

Specifically, claim 12 has been amended as an independent claim including substantially all limitations of its base and intervening claims. Claims 13-14 have been amended to overcome 35 U.S.C. 112, second paragraph rejections. As a result, claims 12-16 are allowable.

Claims 4, 7, and 13 are objected to because of the informalities. In view of the foregoing amendments, it is respectfully submitted that the objections have been overcome.

Claims 1, 4, 11, 17 and 20 are rejected under 35 U.S.C. §112, second paragraph. In view of the foregoing amendments, it is respectfully submitted that the rejections have been overcome. Specifically, the present invention as claimed converts data from a first protocol to a second protocol via different switch fabric within a network element. As a result, the protocol headers of the first protocol are removed (e.g., de-encapsulate) from the data packet and the protocol headers of the second protocol is added (e.g., encapsulated) to enable the data to be transmitted according to the second protocol.

Claims 7-9 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,603,757 by Locascio (“Locascio”). Claim 10 is rejected under 35 U.S.C. §103(a) as

being unpatentable over Locascio. In view of the foregoing amendments, it is respectfully submitted that claims 7-10 include limitations that are not disclosed or suggested by Locascio.

Specifically, as recited in claim 7, the present invention as claimed includes two different switch fabrics that when data is received in an ingress line card via a first protocol (e.g., encapsulated by the first protocol headers), the ingress line card determines whether the data should be transmitted via the first switch fabric via a second protocol or a second switch fabric as a TDM signal. If it is determined that the data should be transmitted through the first switch fabric, the first protocol headers associated with the first protocol is removed (e.g., de-encapsulated) and the second protocol headers associated with the second protocol is added (e.g., encapsulated). Thereafter the modified data packet is transmitted through the first switch fabric.

If it is determined that the data should be transmitted as a TDM signal, the data will be transmitted via the second fabric, which is different than the first switch fabric, without protocol header conversion. It is respectfully submitted that the above limitations are absent from Locascio.

Rather, Locascio discloses a common switch bus (30a and 30b) coupling all components together. Locascio fails to disclose different switch fabric dedicated to switch different types of protocols. In fact, there is no disclosure within Locascio for de-encapsulating from one protocol header to encapsulating with another protocol header. There is no need to do that in Locascio, particularly between two line cards, because Locascio employs a common switch bus which typically uses a common protocol (see, Fig. 1 of Locascio). Therefore, independent claim 7 is not anticipated and is patentable over Locascio.

Similarly, independent claims 1, 4, 17, and 20 include limitations similar to those recited in claim 7. Thus, for the reasons similar to those discussed above, independent claims 1, 4, 17, and 20 are patentable over and are not anticipated by Locascio.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over and are not anticipated by Locascio. Withdrawal of the rejections is respectfully submitted.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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